

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

LR No.: 0415-01
Bill No.: SB 101
Subject: Counties: Courts
Type: Original
Date: January 15, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Office of State Courts Administrator** assume this proposal would allow Cass County to establish a municipal court to prosecute ordinance violations. The court would have jurisdiction over county ordinances and municipal ordinances if the municipality contracts with the court to prosecute municipal violations.

The population of Cass County has increased almost 29% between 1900 and 2000, and the workload of the circuit court has increased with the population. The number of cases filed in Cass County increased 8.3% between FY 01 and FY 02 alone. Ordinance violation cases are the least time consuming in terms of clerical workload. Cass County, along with 48 other Missouri counties, qualifies for an additional FTE as determined by the weighted workload criteria established by the Circuit Court Budget Committee. Therefore, any minor decrease in the workload of the court would not affect the needed clerical staff in Cass County. Officials stated that at this time they are unable to estimate the impact on the costs and fees assessed in each case. Currently, clerk fees are not assessed in county ordinance cases. Court fees would be assessed depending on each individual statute.

ASSUMPTION (continued)

On balance, court officials do not anticipate any significant cost or savings to the state as a result of this proposal.

Officials of the **Office of Prosecution Services** assume the impact on the collection of court surcharges to their office and the prosecutor training fund would depend on whether violations of county ordinances which are now being prosecuted if any are instead prosecuted as violations of municipal ordinances as many overlap. Officials assume this proposal merely authorizes the prosecution of either in the courts. It does not impact costs.

Officials of the **Department of Revenue** assume no fiscal impact.

Cass County officials did not respond.

Oversight assumes this proposal as written does not require Cass County to establish a court system and is therefore permissive. This proposal would have no fiscal impact unless the County's governing body would elect to establish a court system as provided for by this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	\$0	\$0	\$0
<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	\$0*	\$0*	\$0*

*** Oversight assumes this proposal is permissive.**

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This act enables Cass County to establish municipal courts and appoint municipal judges in the same way in which charter counties are enabled to do so under current law. The courts are empowered to prosecute any violations of county ordinances as are the circuit courts. Various provisions and details involving judges qualifications, regular sessions of the courts, divisions of the courts, court procedure, jury trials and jurisdiction are provided in the act, which are identical to the current law regarding charter counties.

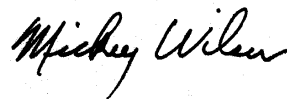
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Office of Prosecution Services
Department of Revenue

NOT RESPONDING

Cass County Officials



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Director
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